
Resource Protection Areas: Buffer Area Requirements

Chesapeake Bay Local Assistance Department
Commonwealth of Virginia



Resource Protection Area



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Resource Protection Areas

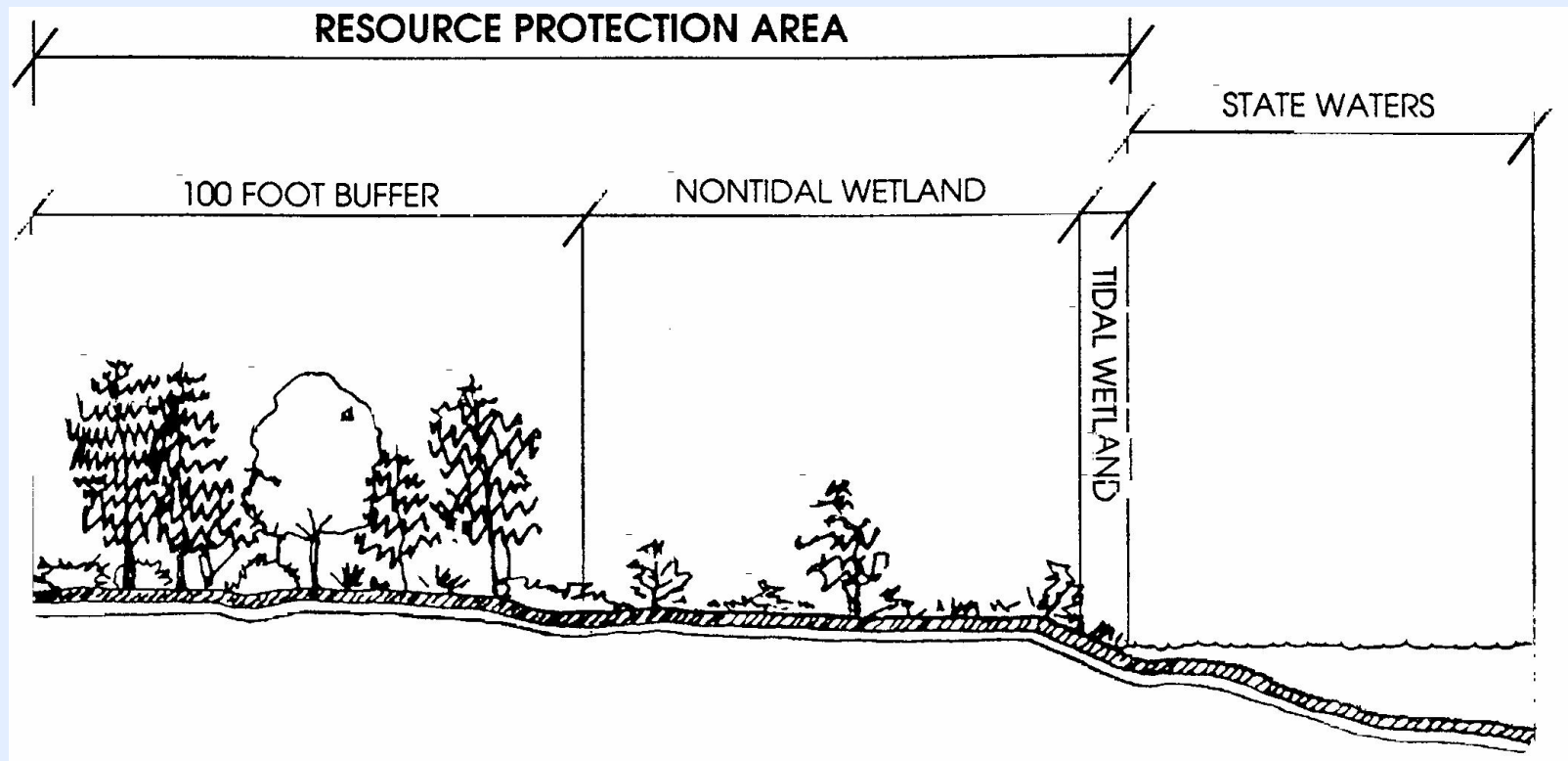
❖ Resource Protection Areas (RPAs):

- ✓ Tidal wetlands
- ✓ Nontidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow
- ✓ Tidal shores
- ✓ Other lands
- ✓ A buffer of not less than 100 feet in width landward of these features and along both sides of any water body with perennial flow

(Lands at or near the shoreline that have an intrinsic water quality value.)



RPA Cross-Section



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Permitted Uses in the RPA

- ❖ Four types of activities are permitted in the RPA:
 1. water dependent uses;
 2. Redevelopment activities, both in and outside of IDAs
 3. Roads and drives under certain circumstances; and
 4. Flood control and SWM facilities under specific circumstances



Water Quality Impact Assessment

- ❖ A WQIA is required for any permitted land disturbing activity in the RPA, including the buffer component.
- ❖ Consideration of a WQIA is required as part of any exception request.



Exemptions in the RPA

- ❖ Water wells; boardwalks, trails, and pathways used for passive recreation; and historic preservation or archaeological activities; and
- ❖ Public roads, utilities, and railroads



Forested Buffer



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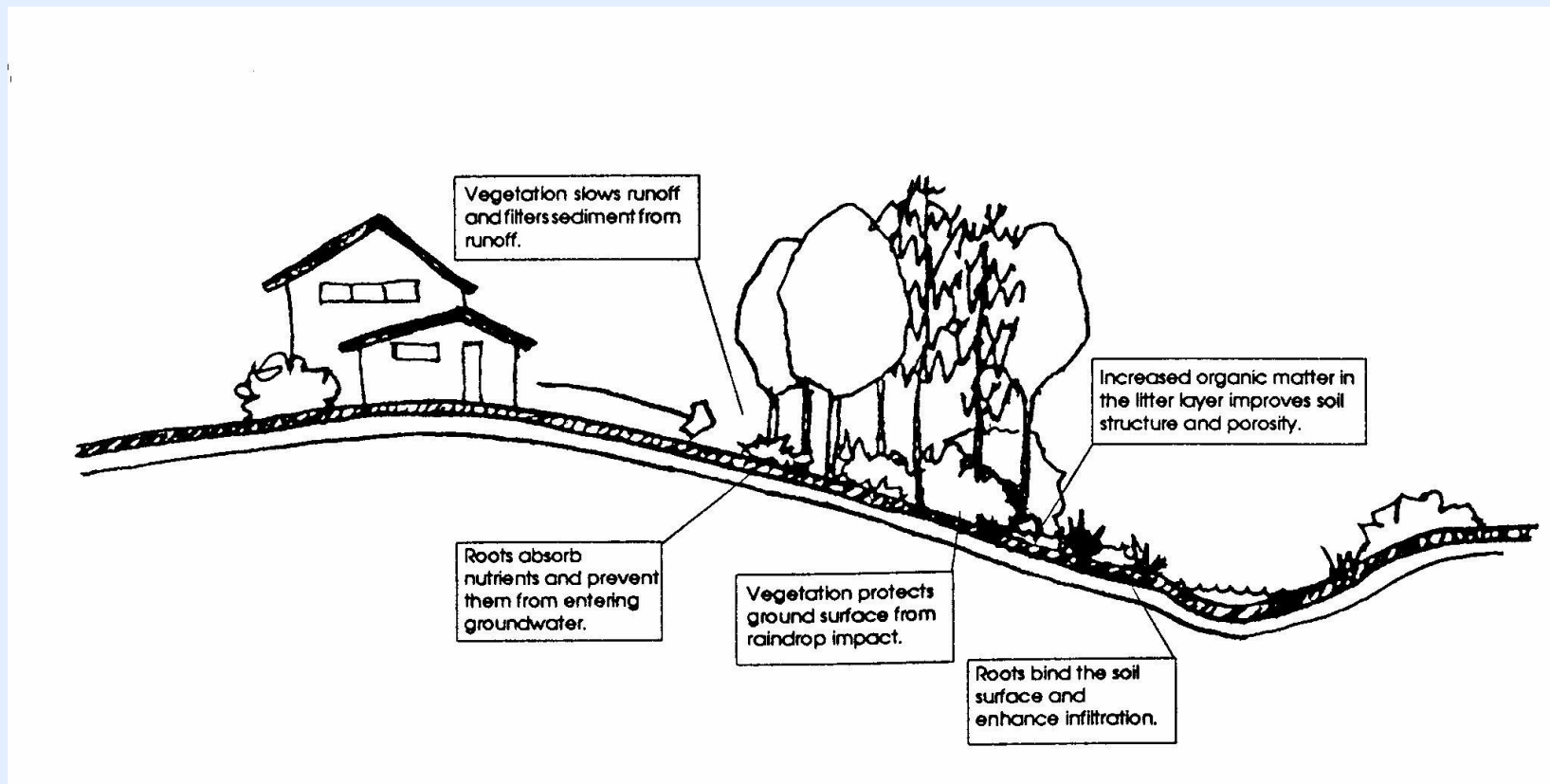


RPA Buffer Functions

- ❖retarding runoff;
- ❖preventing erosion; and,
- ❖filtering nonpoint source pollution



Vegetated Buffer Benefits



Vegetated Buffer



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RPA Buffer

- ❖ The buffer area is the landward component of the RPA and its width is never reduced
- ❖ A 100-foot vegetated buffer area shall be retained if present and established where it does not exist.
- ❖ Purpose is to minimize the adverse effects of human activities on the other components of the Resource Protection Area, State waters, and aquatic life.



RPA Buffer in Intensely Developed Areas

- ❖ RPA designation remains in an IDA
- ❖ Revegetation of the buffer may not be required
- ❖ Existing vegetation in the buffer should remain
- ❖ Locality should consider ways to establish a vegetated buffer over time



Buffer Establishment

- Establishment of woody vegetation is required when agricultural or silvicultural land uses are converted to other uses.



Permitted Buffer Modifications

- ❖ Local government approval is needed for any buffer modification.
- ❖ Sight lines
- ❖ Access paths
- ❖ General woodlot management
- ❖ BMPs



Permitted Buffer Modifications

- ❖ Trees may be pruned or removed to provide for sight lines and vistas
- ❖ Must be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion and filtering nonpoint source pollution
- ❖ Paths shall be constructed and surfaced to control erosion.



Permitted Buffer Modifications

- ❖ Dead, diseased, or dying trees may be removed
- ❖ Thinning of trees permitted, pursuant to sound horticultural practice
- ❖ Trees and vegetation may be removed for shoreline erosion control projects.



Buffer Modification



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Shoreline Erosion Modification



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Inappropriate Buffer Modifications

- ❖ Clearing all vegetation and planting grass
- ❖ Removing all trees in wide swath for sight lines
- ❖ Clearing all vegetation for shoreline erosion control and replanting grass
- ❖ Clearing for yard area or construction activities



Inappropriate Buffer Modification



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Inappropriate Buffer Modification



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Inappropriate Shoreline Management



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Buffer Project

- ❖ Address ambiguity of buffer modifications
- ❖ Grant project through July 2003
- ❖ Series of meetings with local government committee currently being held
- ❖ Produce Guidance Document
- ❖ Training to all localities
- ❖ Work with DOF to produce general guidance for landowners on buffer establishment and management



Encroachments into the buffer

- ❖ Encroachments up to 50 feet are permitted on pre-1989 lots where application of the buffer area would result in the loss of a buildable area.



Encroachments into the buffer

- ❖ Encroachments up to 50 feet are permitted on lots recorded between October 1, 1989 and March 1, 2002 under certain circumstances where application of the buffer area would result in the loss of a buildable area.



Encroachments into the buffer

- ❖ Encroachments for new development under these two circumstances are to be the minimum necessary to afford relief for principal structure and necessary utilities.
- ❖ If there is sufficient area outside of the full RPA, then these provisions may not be used to encroach into the buffer area.
- ❖ Some localities require a building setback from the RPA to ensure no encroachments occur.



Agricultural Buffer Encroachments

- ❖ Maximum encroachment of 50 feet on agricultural lands with BMPs.
- ❖ Maximum encroachment of 75 feet on agricultural lands implementing a Conservation Plan.
- ❖ Reminder that when agricultural use changes, woody vegetation must be established in areas of encroachment



Inappropriate Encroachments

- ❖ Lots recorded after October 1, 1989 should be large enough outside of entire RPA for all structures
- ❖ Accessory structures: detached decks or garages, pools, gazebos, patios, sheds, etc.



Inappropriate Buffer Encroachment



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